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Attorney Docket No. P23876

In re application of : Eui Yeop CHUNG et al

Application No. : 10/614,822

Filed : July 9, 2003

For : BULIT-IN TYPE REFRIGERATOR

Mail Stop Amendment

Group Art Unit: 3744

Examiner: William E. Tapolcai

Mail Stop Amendment

COMMISSIONER FOR PATENTS

P.O.Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a **Election with Traverse** in the above-captioned application.

_____ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

_____ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

_____ An Information Disclosure Statement, PTO Form 1449, and references cited.

X No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 20	*20	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 1	**3	0	x 43=	\$	x 86=	\$0.00
Multiple Dependent Claims Presented			+145=	\$	+290=	\$0.00
Extension Fees for _____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

* If less than 20, write 20

** If less than 3, write 3

_____ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

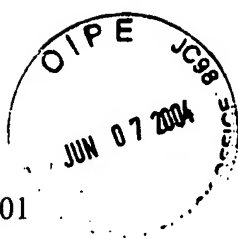
N/A A check in the amount of \$_____ to cover the *filing/extension* fee is included.

X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Will E. Tapolcai Reg. No.
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41,565



P23876.A01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Eui Yeop CHUNG et al.

Group Art Unit: 3744

Appln. No. : 10/614,822

Examiner: William E. Tapolcai

Filed : July 9, 2003

For : BUILT-IN TYPE REFRIGERATOR

RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Sir :

In response to the Official Action of May 5, 2004 in which a one-month shortened statutory period for response was set to expire on June 5, 2004 (June 5, 2004 being a Saturday), Applicants hereby elect the species of Figure 3, with traverse. Claims 1-5, 19 and 20 are considered to read on the elected species, and Claims 1, 19 and 20 are believed to be generic.

Applicants respectfully request that each of the species be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. 803. That is, the Examiner is respectfully requested to reconsider his requirement and find that there would not appear to be a "serious burden" on the Office in also examining the claims directed toward the non-elected species, which would otherwise be withdrawn from the consideration if the restriction requirement is maintained.

In M.P.E.P. Chapter 800, the Office sets forth its policy by which Examiners are guided in requiring restriction under 35 U.S.C.121. In Chapter 803 it is stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit, that in spite of the Examiner's election requirement, the non-elected claims should be examined in the instant application for the following reasons. It would appear that the search for the inventions identified by the Examiner would be coextensive, or at least significantly overlap. That is, if the Examiner would perform a search for the elected species of Figure 3 comprising claims 1-5, 19 and 20, there would not appear to be a serious burden in continuing the examination of the other three species, especially since all claims are directed toward a built-in refrigerator including a cabinet provided in a sink and having a component chamber at a rear bottom thereof, a dust guard provided between a front bottom of the cabinet and a floor, a compressor provided in the component chamber, a condenser provided under a bottom surface of the cabinet, a ventilation passage communicating the component chamber with a bottom of the cabinet and outside of the dust guard for discharging heat generated from the condenser and the compressor to outside, and a cooling fan provided in the component chamber for cooling the condenser and the compressor.

Because the search of all of the identified species would be substantially coextensive, there would be no *serious* burden on the Examiner to examine all the claims

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of the present application. For this reason, and consistent with the office policy as set forth in M.P.E.P. 803, Applicant respectfully requests that the Examiner reconsider and withdraw the election requirement.

For the foregoing reasons, the restriction requirement in this application is believed to be improper and it is respectfully submitted that it be reconsidered and withdrawn.

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Eui Yeop CHUNG et al.

Will E. Lydell Reg. No.
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June 7, 2004
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